THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 7921 OF 2006

BETWEEN:

Indian Oil Corportion, rep. by its Chief LPG manager, Hyderabad

…Petitioner

vs.

M/s.Andhra Pradesh Industrial Infrastructure Corporation Limited, Hyderabad and another.

…Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 7921 OF 2006

ORAL ORDER

The Indian Oil Corporation-petitioner assails the letter dated 16-03-2006 of the 1st respondent issued by the 2nd respondent cancelling the allotment of Ac.100.00 made in favour of the petitioner on 19-10-1994, forfeiting the cost of the land already paid by the petitioner towards occupation by the petitioner and calling upon him to surrender vacant possession of the land at Vakalapudi village, Kakinda, East

Godavari District, failing which the letter states, necessary action would be taken by the Corporation without further notice.

The allotment of the land to the petitioner by the 1st respondent-Corporation in 1994 is not under any statutory contractual terms. It is a non-statutory agreement and while the respondent's claim that the petitioner has reneged on the terms of the allotment, the petitioner denies this allegation. Disputed questions of fact are potentially required to be adjudicated.

In the totality of the circumstances, this *lis* more appropriately adjudicated before the Civil Court of competent jurisdiction unless there be an arbitration clause between the parties as regards the disputes presented herein. Such disputes are not to be normally adjudicated by this Court under Article 226 of the Constitution of India, as no public law issues fall for resolution.

For the aforesaid reasons the writ petition is dismissed. The petitioner is however at liberty to pursue appropriate remedies before the appropriate forum including the Civil Court if such be forum, advised. In the circumstances there shall be no order as to costs.

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GODA RAGHURAM,J

20th APRIL 2006

*TSNR